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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY
LANSING

SUSAN CORBIN
DIRECTOR

EMPLOYMENT RELATIONS COMMISSION MEETING OF JUNE 13, 2023 APPROVED MINUTES

In accordance with the Open Meetings Act 1976 PA 267, as amended, the Michigan Employment Relations Commission met on Tuesday, June 13, 2023. The meeting was held at Cadillac Place, 3026 W. Grand Boulevard, Suite 2-750, Conference Room E, Detroit, Michigan 48202, and also livestreamed via Zoom Conferencing program.

CALL TO ORDER

Commission Chair Tinamarie Pappas called the meeting to order at 10:00 a.m.

ANNOUNCEMENT

Chair Pappas welcomed MERC's newest member Attorney Robert L. Chiaravalli to the Commission. Chair Pappas stated that Mr. Chiaravalli has decades of experience in the labor law area. Commissioner Chiaravalli then provided a brief introduction indicating, in part, that he is a lifelong Michigander and he enjoys doing the type of work that he has desired to do since age 15.

ROLL CALL

Members Present: Tinamarie Pappas, Commission Chair
William F. Young, Commission Member
Robert L. Chiaravalli, Commission Member

Staff Present: Sidney McBride, Bureau Director
Lynn Morison, Administrative Law Examiner (virtual)
Carl Wexel, Administrative Law Specialist
Elizabeth Peters, Labor Mediator (virtual)
Deborah Stewart, Senior Executive Management Asst. (virtual)
Sharon Peper, Legal Secretary (virtual)

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Virtual Public Attendees: 8

APPROVAL OF AGENDA

MOTION by Young, seconded by Chiaravalli, to adopt the proposed agenda as presented.

A vote was held: Yeas – Pappas, Young, Chiaravalli
 Nays – None
 MOTION CARRIED

APPROVAL OF MINUTES

MOTION by Young, seconded by Pappas, to approve the proposed minutes of the regular MERC monthly meeting of May 9, 2023, as submitted.

A vote was held Yeas – Pappas, Young
 Nays – None
 Abstain-- Chiaravalli
 MOTION CARRIED

DIRECTOR'S REPORT

Report summaries as of May 9, 2023, were as follows:

- MOAHR ALJ Reports: A total of 81 cases pending at MOAHR including 15 at the 'ready to write' stage. There were 2 ALJ decisions issued and no hearings held.
- Appellate Report: During May, 2023, 5 MERC cases were on appeal with 3 before the Michigan Court of Appeals and 1 before the Michigan Supreme Court. One appellate decision was issued by the Michigan Court of Appeals which affirmed MERC's prior ruling in MERC Case 20-L-1801-CE (City of Wayne and IAFF).
- MERC Cases in Commission Review: 8 cases were on the monthly report with 2 decisions already issued, 1 case deferred to next month, and 2 files pending the record close date.

The next group of reports relate to the monthly activity for various case types within the agency during May 31, 2023. In sum—

- Election Certifications and Trends: The agency conducted 16 elections and issued 8 certifications of representatives that covered 472 employee positions. 1 unit clarification file was referred to MOAHR.
- ULP Trends: During the month, 4 ULP files were referred to the ALJs, 6 cases submitted to voluntary mediation, 2 Decision and Recommended Orders issued by the ALJs, 5 files returned to MERC from the ALJs, and 2 ULPs disposed of in voluntary mediation.

- Mediation Trends and Monthly Activity: During May 2023, 51 mediation conferences were held by MERC Labor Mediators with 37 being held in-person and 14 held virtually. The mediators also settled 21 cases.
- New MERC Case Initiations: A total of 130 new cases were initiated during May 2023 that comprised of 21 grievance mediation requests, 2 grievance arbitration appointment requests, 94 contract bargaining notices, 5 election petitions, and 8 ULP charges.
- Contract Cases in Hearing Stage: During May 2023, 18 contract bargaining cases were at the hearing stage with 7 in Fact Finding and 11 in Act 312 Arbitration. Also, two cases were settled, 2 are pending settlement discussions, and 1 Fact Finding Report was issued.

ADMINISTRATIVE AGENDA

1. Bureau Director's Updates:

Director McBride noted the following:

- a. Welcome to New Commissioner Robert L. Chiaravalli: Director McBride reiterates that Commissioner Robert Chiaravalli is no stranger to MERC and that he has always supported the mission, goals and objectives of this agency.
- b. Welcome to New End User Support Analyst Alec Scarlet: Director McBride noted the agency is very pleased to have Alec Scarlet join our team. Alec started in late May 2023 and has already hit the ground running. Chair Pappas also expressed that "it is great to have Alec with us as we need someone with his technological expertise to take the agency further into the 21st Century and beyond".

Miscellaneous:

- c. LERA 75th Annual Meeting. Director McBride commented on the great success of the recent national LERA conference held from June 1-4, 2023 at the Motor City Casino and Hotel in Detroit MI. Director McBride, Chair Pappas attended also with other MERC staff (Micki Czerniak, Denise Hinneburg and Alec Scarlet). Director McBride complimented the endeavors and great work of the LERA conference team that included Commissioner Chiaravalli (also President of the Detroit LERA Chapter), Raya York, Bernadette Tiemann and others. Chair Pappas stated that the sessions she attended were very informative and offered a plethora of information. Director McBride also noted that he received many supporting comments from employer and union advocates on their appreciation and positive experiences with MERC's Voluntary Mediation program, and this agency's concept of using an Intake ALJ to better streamline case processing after bind over from MERC to MOAHR.

- d. Legislative Updates: Several pending legislative changes exist that could affect the two major statutes that agency oversees--the Public Employment Relations Act (PERA) and Labor and Mediation Act (LMA). Once any legislation is enacted, the information will be posted on MERC's website. Chair Pappas also noted at the legislative hearings held last week, LEO's Deputy Director Sean Egan was a speaker and provided an outstanding overview of the purpose and goals of collective bargaining in the workplace.
 - e. UofM and the ALF (GEO) negotiations: Director McBride acknowledged the great work of ALJs Peltz and Calderwood with the recent agreement to withdraw several pending ULPs related to their ongoing contract bargaining effort. Also acknowledged was the tremendous work of MERC Labor Mediator Micki Czerniak, who has been working painstakingly with the parties over the past nearly 2 months, and will continue as the matter now moves into the fact finding process.
 - f. Panel Application—Grievance Arbitration: Brad Areheart: This matter was deferred until the July 11, 2023 meeting.
2. The next regular meeting of the Commission was confirmed for Tuesday, July 11, 2023, at 10:00 a.m. at Detroit Cadillac Place in 2nd Floor Annex in Conference Room E. It was moved by Young and seconded by Chiaravalli to approve the meeting date and time.

A vote was held: Yeas – Pappas, Young, Chiaravalli
 Nays – None
 MOTION CARRIED.

DECISIONAL AGENDA

None.

TENTATIVE DECISIONAL AGENDA FOR NEXT MEETING

Detroit Public Schools Community District and L.C. Bulger,
Case No. 21-C-0538-CE

NEW BUSINESS

Discussion was had to move the August 8, 2023 meeting date one week later. It was moved by Young and seconded by Chiaravalli to adjourn the August 8, 2023 regular monthly meeting until Tuesday, August 15, 2023 at 10am.

A vote was held: Yeas – Pappas, Young, Chiaravalli
 Nays – None
 MOTION CARRIED.

OLD BUSINESS None.

PUBLIC COMMENT None.

ADJOURNMENT

There being no further business before the Commission at this time, Commissioner Young moved to adjourn the meeting and seconded by Chiaravalli that the meeting be adjourned at 10:24 a.m.

A vote was held: Yeas – Pappas, Young, Chiaravalli
 Nays – None
 MOTION CARRIED